

**Cour  
Pénale  
Internationale**



**International  
Criminal  
Court**

Original: English

No: ICC-01/04  
Date: 8 March 2006

**PRE-TRIAL CHAMBER I**

**Before: Judge Sylvia Steiner, Single Judge**

**Registrar: Mr Bruno Cathala**

**SITUATION IN THE DEMOCRATIC REPUBLIC OF THE CONGO**

**Public Document**

**DECISION REQUESTING FINAL CLARIFICATIONS FROM THE NFI**

**The Office of the Prosecutor**

Mr Luis Moreno Ocampo

Mrs Fatou Bensouda

Mr Ekkehard Withopf

Ms Lyne Décarie

**Ad Hoc Counsel for the Defence**

Mr Tjarda van der Spoel

**I, Judge Sylvia Steiner**, judge at the International Criminal Court (the “Court”);

**NOTING** the “Decision as to the content of the NFI Report”, filed by Pre-Trial Chamber I on 28 November 2005, in which the Chamber ordered the Netherlands Forensic Institute (the “NFI”) to produce a final report within the next sixty days;

**NOTING** the “Additional report from the NFI 30 January 2006 - NFI case number 2005.05.02.089A” (the “NFI’s Additional Report”), filed confidentially by the Registry on 1 February 2006;

**NOTING** the “Decision Establishing a Deadline for Final Submissions on the NFI’s Additional Report” filed by Pre-Trial Chamber I on 8 February 2006, in which the Chamber granted the Prosecution and the Ad Hoc Counsel for the Defence the opportunity to make final observations on the NFI’s Additional Report and decided that participants VPRS 1 to VPRS 6 will not participate in the proceedings relating to the NFI’s examination;

**NOTING** the “Prosecution’s Final Observations on the NFI’s Additional Report” (the “Prosecution’s Final Observations”) filed on 16 February 2006, whereby the Prosecution requested clarifications from the NFI on its interpretation of the explanatory note in the NFI’s Additional Report;

**NOTING** the “Ad Hoc Defence Counsel’s Final Submission on the NFI’s Additional Report” (the “Ad Hoc Defence Counsel’s Final Submission”) filed on 20 February 2006, whereby the Ad Hoc Defence Counsel requested some clarifications with regard to the NFI’s Additional Report;

**NOTING** the decision of the Chamber of 24 February 2006 designating Judge Sylvia Steiner as single judge of the Chamber for the situation in the Democratic Republic of the Congo from 25 February to 9 March 2006;

**NOTING** article 56 (1) (b) and (2) of the Rome Statute (the "Statute");

**CONSIDERING** that it is necessary to finalise the proceedings relating to the NFI's examination under article 56 (1) (b) and (2) of the Statute;

**FOR THESE REASONS,**

**ORDERS** the Registrar to notify the NFI of the following documents:

- i) ICC-01/04-113-Conf, and
- ii) ICC-01/04-116-Conf;

**ORDERS** the NFI to answer within 15 days of the notification of the two above-mentioned documents the requests for clarification contained in:

- i) Paragraph 5 of the Prosecution's Final Observations; and
- ii) Paragraph 7 of the Ad Hoc Defence Counsel's Final Submission.

Done in both English and French, the English version being authoritative.

  
**Judge Sylvia Steiner**  
**Single Judge**

Dated this Wednesday 8 March 2006

At The Hague

The Netherlands